



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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THIRD SECTION

Application no. 37793/25
Elvan GUMUS
against Serbia
lodged on 21 November 2025
communicated on 27 August 2026

SUBJECT MATTER OF THE CASE

The application concerns the confiscation of undeclared cash belonging to the applicant at a border crossing.

On 19 August 2019, while entering Serbia on his way to Türkiye, the applicant, a Turkish national, was stopped by Serbian customs officers who discovered that he was carrying 282,550 euros in cash, which he failed to declare, “in breach of the relevant legal obligation to declare all sums exceeding 10,000 euros”. The customs authorities temporarily seized 262,550 euros and returned 10,000 euros to the applicant plus another 10,000 euros to his son, as each of them was deemed entitled to carry that amount across the border without a formal declaration.

On the same day, the Misdemeanour Court found the applicant guilty of failing to declare the above sum, fined him approximately 591 euros in Serbian dinars at the material time and confiscated the remaining amount of 262,550 euros. On 30 August 2019 that judgment was upheld by the Misdemeanour Court of Appeals. The proceedings before the Constitutional Court have been pending since 30 September 2019.

The applicant complains under Article 1 of Protocol No. 1 that the confiscation, in addition to the fine, constituted an unlawful and disproportionate interference with his right to the peaceful enjoyment of his property.

QUESTIONS TO THE PARTIES

1. Has the applicant exhausted all effective domestic remedies as required under Article 35 § 1 of the Convention? In particular, can a constitutional appeal be considered effective within the meaning of the aforesaid provision and in the specific circumstances of the present case where the constitutional proceedings have been pending since 30 September 2019 (see, *mutatis mutandis*, *Story and Others v. Malta*, nos. 56854/13 and 2 others, § 80, 29 October 2015, with further references)?

2. Has there been a violation of Article 1 of Protocol No. 1 (see, *mutatis mutandis*, *Aksüngür and Others v. Serbia*, nos. 69080/13 and 4 others, §§ 73, 88-124, 24 June 2025, with further references)?